

SPECIAL MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

Thursday, September 29, 2016

1:30 p.m.

Commission Chambers

1915 N. Stiles Ave.

Oklahoma City, Oklahoma

www.wcc.ok.gov

AGENDA

CALL TO ORDER Mr. Gilliland, Chair

ROLL CALL Mr. Gilliland, Chair

NOTICE OF COMPLIANCE.....Tiffany Pratt

MINUTES

The drafted Minutes of the Regular Meeting on September 8, 2016 will be considered for approval.

THE FOLLOWING MATTERS ARE PRESENTED FOR CONSIDERATION AND ACTION, IF ANY, DEEMED APPROPRIATE BY THE COMMISSION.

1. **Discussion and Consideration of the Fiscal Year 2017 Shared Services Agreement between the Commission and the Office of Management Enterprise Services**

The Commission will consider approving the Shared Services Agreement with the Office of Management Enterprise Services for FY17. The previous multiple shared services agreements between OMES and agencies have been integrated into one agreement that covers all shared services provided by OMES. Combining the agreements means that an agency will execute one agreement, rather than potentially three separate agreements with OMES. The proposed Agreement for Shared Services contains general terms as well as division-specific terms, which are specified in the appendices. The shared services listed on Appendices D and F of the proposed Agreement were copied over from the Commission's existing agreements with Human Capital Management and Agency Business Services. The Commission has not previously approved the general terms or Information Services.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving, approving as modified or not approving the Shared Services Agreement with the Office of Management Enterprise Services for FY17.

2. Personnel Policy

The Commission will discuss and consider approving the following agency policy: 1) Video Monitoring Policy

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; approving, approving as modified or not approving the policy.

3. Consent Agenda for Travel Vouchers Currently Outstanding

85A O.S. §23 states any commissioner or employee of the Commission shall be entitled to receive his or her necessary traveling expenses as provided in the State Travel Reimbursement Act. The expenses shall be certified by the person who incurred them and shall be allowed and paid on presentation of vouchers approved by the Commission. In accordance with this section, the Commission will consider a vote to approve the currently outstanding vouchers.

All vouchers listed within this Consent Agenda have been made available to each Commissioner prior to today's meeting, are considered routine, and will be enacted by one motion of the Commission. If separate discussion is desired, that item may be removed from the Consent Agenda and separately voted upon.

Possible Action:

Possible action may include, but is not limited to: taking no action; approving some, all or none of the vouchers listed in this Consent Agenda; continuing the matter.

4. Report

THE FOLLOWING REPORT IS PRESENTED FOR INFORMATIONAL PURPOSES ONLY. NO ACTION WILL BE TAKEN.

Medical Fee Schedule Report

Per 85A O.S., § 50(H)(1), the Commission shall conduct a review of the Medical Fee Schedule every two (2) years. The Commission's Medical Director, Dr. Jay Cannon, will give a report on the steering committee's review of the Medical Fee Schedule.

5. **Possible Executive Session for Confidential Communications Between the Commission and Its Attorneys Concerning Bankruptcy Involving BFN Operations, LLC (#20059), and Related Determination Regarding BFN Workers' Compensation Claim, Jose Moreno CM-2016-04915H, Pursuant to Title 25 O.S. § 307(B)(4)**

Pursuant to 25 O.S. § 307(B)(4), an Executive Session is proposed for the purpose of conducting confidential communications between the Commission and its attorneys concerning pending bankruptcy involving BFN Operations, LLC (# 20059) and related BFN claim, Jose Moreno CM-2016-04915H.

The Commission's counsel has advised that public disclosure of the communications relating to this bankruptcy and claim will seriously impair the ability of the Commission and its counsel to take appropriate action related to the ongoing bankruptcy proceeding and BFN claim, Jose Moreno CM-2016-04915H, and protect the Commission's interest.

Possible Executive Session Pursuant to Title 25 O.S. § 307(B)(4) for Confidential Communications Between the Commission and Its Attorneys Regarding Pending Litigation Against the Commission, *McKnight v. Workers' Compensation Commission*

Pursuant to 25 O.S. § 307(B)(4), an Executive Session is proposed for the purpose of conducting confidential communications between the Commission and its attorneys regarding a pending lawsuit against the Commission, *McKnight v. Workers' Compensation Commission*.

The Commission's counsel from the Attorney General's Office has advised that public disclosure of the communications relating to this litigation will seriously impair the ability of the Commission and its counsel to respond to the litigation and claims.

A. Motion and Vote to:

- (1) Determine That Disclosure Will Seriously Impair the Ability of the Commission to Take Appropriate Action and to Protect the Commission's Interest in Both the Ongoing Bankruptcy Proceeding BFN Operations, LLC (#20059) and *McKnight v. Workers' Compensation Commission*; and

- (2) Go Into Executive Session for the purposes of:
 - (i) Discussing the Pending Bankruptcy of BFN Operations, LLC (#20059);
 - (ii) Related Determination Regarding BFN Workers' Compensation Claim, Jose Moreno CM-2016-04915H; and
 - (iii) *McKnight v. Workers' Compensation Commission* under §307(B)(4).

B. Vote to Reconvene in Open Session

Possible Action:

- (i) Possible action may include but is not limited to taking no action; continuing the matter; or instructing Insurance Services Division or counsel to take any necessary action or make any necessary filings in the bankruptcy proceeding; or taking other actions as discussed and recommended by counsel in Executive Session.
- (ii) Possible action may include but is not limited to taking no action; continuing the matter; or taking any action necessary in the case of *McKnight v. Workers' Compensation Commission* based on the discussion and recommendation of Counsel in Executive Session.

Announcements

Commission's next regular meeting is Thursday, October 20, 2016.

ADJOURNMENT.....Mr. Gilliland, Chair